

**STATEMENT OF
ROBERT DiGIROLAMO
NATIONAL EXECUTIVE COMMITTEEMAN, DISTRICT 18
OF THE
DISABLED AMERICAN VETERANS
BEFORE THE
COMMITTEE ON FINANCIAL SERVICES
SUBCOMMITTEE ON HOUSING AND COMMUNITY OPPORTUNITY
UNITED STATES HOUSE OF REPRESENTATIVES
APRIL 10, 2010**

Madam Chairwoman and Mrs. Kirkpatrick, and Members of the Subcommittee—

On behalf of the 1.2 million members of the Disabled American Veterans (DAV), I am honored to present testimony to the Subcommittee today, and to its guest Member Mrs. Kirkpatrick from the Committee on Veterans' Affairs, and to express our views on legislation before the Subcommittee. DAV is dedicated to one, single purpose — building better lives for all of our nation's disabled veterans and their families. As National Executive Committeeman and a past Arizona State Commander of DAV, I am proud to speak on behalf of more than 24,000 State members and well as our nationwide members. I am pleased to appear before this Subcommittee and grateful for the opportunity to do so.

While the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) did much to address the need for low income housing for Native Americans, I believe it is seriously flawed in that it often excludes a segment of the population it is meant to serve — our Native American disabled veterans who have so honorably served our country. Many of these veterans receiving compensation for injuries sustained during their service are being denied low income housing because their compensation puts them over the income criteria threshold of less than 80% of median income in their area. This often places them in the "between the rock and hard place" of more household income than qualifies, but not enough to actually purchase a home in the marketplace.

I believe the intent of the 1996 NAHASDA should have been to include, not exclude, as many low income tribal members as possible in gaining access to housing in rural areas. Their honorably deserved military injury compensation is quite difficult to acquire from the government, and is intended to be used to offset costs of their disabilities. Disability compensation should NEVER be considered as normal household income criteria to create a barrier to affordable housing in a very limited marketplace.

Madam Chairwoman, in your invitation to me to testify at this hearing, you posed the following questions:

- How many people and/or families are served by the DAV?
- What types of services and benefits are provided by the DAV?
- Has the DAV encountered any obstacles connecting disabled Native American veterans and their families with housing assistance under NAHASDA?

- How will H.R. 3553 help provide greater housing assistance to disabled Native American veterans?
- What additional federal resources are needed to provide greater access to veteran services and benefits for Native American veterans with disabilities?
- Please share any other insights and recommendations to help increase affordable housing options and supportive services for disabled Native American veterans and their families.

To remain faithful to the principles on which this organization was founded, and to fulfill our mandate of service to America's service-disabled veterans and their families, the DAV employs a corps of 242 National Service Officers (NSOs), all wartime service-connected disabled veterans themselves, located in Department of Veterans Affairs (VA) Regional Offices throughout the country. These men and women are professionally trained during a program that generally does not exceed 25 months, of which 16 months is on-the-job training. In addition to learning title 38 law and regulations pertaining to the application for and the evidence needed to obtain benefits and services from the VA for veterans and their dependents, our NSOs are also required to successfully complete academic courses in anatomy and physiology, medical terminology, English composition or legal writing, and public speaking, through an accredited college or university. These dedicated men and women, about two-thirds of whom are Gulf War veterans or veterans of Operations Enduring and Iraqi Freedom (OEF/OIF), continue the legacy to provide the best benefits counseling and claims assistance available anywhere.

During 2009, DAV NSOs interviewed over 167,144 veterans and their families in their claims for VA benefits; filed almost 214,716 new claims for benefits; and obtained \$4.3 billion in new and retroactive benefits for our clients. Our NSOs also participated in 234,569 Rating Board appearances. All of our services are provided at no cost to these claimants.

As a result of the large number of severely disabled military members being treated at Walter Reed Army Medical Center (WRAMC) and Bethesda National Naval Medical Center (NNMC), DAV has staffed an office at WRAMC to provide assistance to the young men and women being treated at these facilities.

The number of severe wartime casualties with amputations being treated at WRAMC, NNMC and elsewhere continues to grow significantly. As of February 1, 2010, there were 960 amputees from Operations Enduring and Iraqi Freedom. These individuals have sustained the loss of an arm(s), leg(s), hand(s), and/or foot (feet). This number includes 730 soldiers, 172 of whom have multiple amputations; 195 Marines, 49 of whom have multiple amputations; 21 sailors, four of whom have multiple amputations; and 14 airmen, two of whom have multiple amputations. Of the 960 amputees, 193, or 20 percent, of these individuals have upper extremity amputations.

The DAV provided free representation at 183 Physical Evaluation Boards (PEBs) across the country in 2009. Also, DAV has worked closely with several large, local law firms, which have agreed to provide pro bono services to the men and women appearing before the PEBs, and they also have agreed to assist these individuals, free of charge, in pursuing claims before federal courts.

In addition to our work at VA Regional Offices, DAV employs 11 National Appeals Officers (NAOs) whose duty is to represent veterans in their appeals before the Board of Veterans' Appeals (BVA). During fiscal year (FY) 2009, DAV NAOs provided representation in 31 percent of decided appeals before the BVA or 15,110 appeals. Of the more than 15,000 appeals represented by DAV, more than a third, 5,432 appeals, had been remanded by the BVA previously. In 25 percent, or 3,853, of the appeals represented by DAV, the claimant's appeal was allowed. Thirty-seven percent, or 5,607, of appeals represented by DAV were remanded, of which almost 1,700 had been remanded previously. Almost 63 percent of the appeals represented by DAV resulted in the original decision being overturned or sent back to the Regional Office for additional development and re-adjudication. Sadly, and indicative of the systemic problem causing the VA's current backlog, almost one-third of the 48,804 appeals decided by BVA in FY 2009, 15,083 appeals, had previously been remanded by the BVA. Also indicative of the systemic problem facing VA is the fact that 61 percent of the almost 49,000 decisions rendered by BVA were either reversed or remanded.

Here in Arizona, our DAV Department professionals helped 1,046 disabled veterans establish their initial disabilities with VA, and 963 veterans to increase their existing disability ratings. We aided over 500 veterans in gaining various other VA benefits such as education, pension, special entitlements, and burial allowances. Altogether, we aided in VA's decisions to grant 4,770 awards to Arizona veterans. In terms of transfer payments, disabled veterans of Arizona received over \$71 million in 2009 as a result of our advocacy for them with VA. In accomplishing this work, our NSO corps reviewed over 6,400 files, conducted 5,900 interviews and appeared before the VA on 6,000 occasions to support veterans claims. Also, DAV increased its membership in Arizona by 175 individuals in 2009.

As to your specific question on Native American housing, as you know, Congress enacted Public Law 109-233, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006, to improve the benefits available to veterans and service members by addressing the specialized housing needs of the thousands of service members and veterans wounded in OEF/OIF. The Act also provided a permanent authority in law for VA's direct home loan program to Native American Veterans. DAV supported these measures, but thus far, they are aiding only a very small proportion of the disabled veteran population. Arranging appropriate housing (from temporary, to transitional, to permanent) for severely wounded OEF/OIF veterans remains a significant challenge.

Mrs. Kirkpatrick's bill, H.R. 3553, is intended to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family, including dependency and indemnity compensation. DAV members approved a national resolution, No. 222, a resolution that calls for legislation to exclude VA disability compensation from income counted in means-tested benefit programs offered by other government agencies. This resolution is consistent with the purposes of Mrs. Kirkpatrick's legislation, a bill that would exempt Native American Veterans in receipt of VA compensation (and their survivors in receipt of DIC) from income limitations associated with the Native American Housing Assistance and Self-Determination Act of 1996; therefore, DAV strongly supports its enactment into law. Obtaining affordable housing on Indian trust lands, and for Native Americans, Alaska Natives and Pacific Islander veterans in general, is highly

problematic and challenging. Any measure that eases these requirements to promote permanent housing for Native American veterans, and in particular, service-disabled veterans, carries our strongest support. The value of disability compensation is negated and its purposes are defeated when a veteran's receipt of compensation is used to reduce or deny entitlement to government benefits or services available to other citizens, and in this case the veteran actually receives nothing additional for his or her disability. Since our resolution seeks legislation to exclude veterans' disability compensation from countable income for purposes of entitlement to benefits or services under other government programs, we stand in support of this bill and urge its enactment into law. The DAV is dedicated to assisting disabled veterans to build better lives for themselves and their families. What could be more appropriate than for us to stand in support of H.R. 3553, a bill that proposes to exclude income derived from the Department of Veterans Affairs for service connected disabilities, to make disabled veterans eligible for supported housing?

Finally, Madam Chairwoman, we do want to highlight that the purposes of this bill are limited to benefit only Native American disabled veterans and their survivors. Consistent with our adopted national resolution, we ask the Subcommittee also to consider advancing new legislation that would apply the intentions of this bill to all federal housing programs that provide subsidies, so that disabled veterans in need might be able to take advantage of them, rather than be disadvantaged by their receipt of service-connected disability compensation. In our view, disability compensation from military service to the Nation should never be the cause of disqualifying a veteran from receipt of federal benefits enjoyed by other citizens.

Madam Chairwoman, this concludes my testimony on behalf of Disabled American Veterans. I will be pleased to respond to your questions or those from other Members of the Subcommittee.